

City of Detroit

CITY COUNCIL

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TO: The Honorable City Council

FROM: David Whitaker
Julianne Pastula

DATE: July 6, 2006

RE: **CLASS ACTION LAWSUIT AGAINST THE CARLETON FARMS
LANDFILL**

At the Honorable City Council's request, the Research & Analysis Division (RAD) submits the following report regarding the class action lawsuit filed by Huron Township residents against the Carleton Farms landfill¹.

The case was filed in Wayne County Circuit Court on May 26, 2006, and has been assigned to Judge Wendy Baxter². The Complaint contains general allegations of "noxious odors and air contaminants" as well as nuisance and negligence claims. There are four listed Plaintiffs; however, the attorney representing the plaintiffs have requested that a class action be certified claiming hundreds of residents have been affected by the Defendant's actions.

On June 28, 2006, the Defendants filed a Motion for More Definite Statement claiming that Plaintiffs' Complaint does not sufficiently set forth relevant claims³. The hearing on the Defendant's motion is scheduled for Friday, July 7, 2006. Plaintiffs' response to the motion included voluminous exhibits of Wayne County Department of the Environment Inspection Reports and Notices of Violations as well as correspondence from the Michigan Department of Environmental Quality.

At this time, RAD is unable to ascertain the implications of the lawsuit on the City of Detroit and its waste disposal operations. The City is not a named Defendant in the lawsuit and any repercussions the City sustains from it will be as a customer of the landfill. Corollary effects could include the landfill ceasing to accept certain forms of waste from the City of Detroit. Assuming that the landfill closes or restricts the type of waste that is accepted in the future, the extent that the City of Detroit is impacted will be based on the amount and type of waste that the City relies on the landfill to accept. RAD recommends that the Department of Public Works, Department of Water and Sewerage and the Department of Environmental Affairs be asked to advise this Honorable Body as to what extent the City utilizes the landfill so that alternate plans for waste disposal, if necessary, can be evaluated properly.

¹ The landfill is owned and operated by Republic Services, a waste management corporation based in Florida.

² Waldron v. Republic Services of Michigan, LLC, case no. 06-615173-NZ.

³ The Defendants also filed an Answer to the Complaint and Affirmative Defenses on June 30th.